

Disaster Relief

General

[Section 170](#) permits a county board of supervisors to adopt an ordinance that allows immediate property tax relief on qualifying property damaged or destroyed by misfortune or calamity. The relief is available to any assessee whose property suffers damage exceeding \$10,000 due to a misfortune or calamity, without fault from the assessee. In addition, [section 170](#) provides procedures for calculating value reductions and restorations of value for the affected property.

To obtain relief under [section 170](#), assesses must submit a written application to the assessor requesting reassessment. In addition, if the assessor is aware of any property that has suffered damage by misfortune or calamity, the assessor must provide the last known owner of the property with an application for reassessment. Alternatively, the board of supervisors may, by ordinance, grant the assessor the authority to initiate the reassessment if the assessor is aware and determines that within the preceding 12 months taxable property located in the county was damaged or destroyed by misfortune or calamity.

Upon receipt of a properly completed application, the assessor shall reassess the property for tax relief purposes. If the sum of the full cash values of the land, improvements, and personalty before the damage or destruction exceeds the sum of the values after the damage by \$10,000 or more, the assessor shall also separately determine the percentage reductions in value of the land, improvements, and personalty, and reduce the assessed values by those percentages. However, the amount of the reduction shall not exceed the actual loss.

Scope of Review

The BOE's assessment practices survey team evaluates the assessor's practices and procedures for identifying and providing property tax relief to eligible property owners of properties having experienced a misfortune or calamity.

The specific areas of review may include, but are not limited to, the following:

Disaster Relief Ordinance

- Has the county adopted a disaster relief ordinance? If so,
 - What is the effective date of the ordinance?
 - Are there amendments to the original ordinance?
 - Does the ordinance have a specified termination date or is it continuous?
 - Does the ordinance meet the current requirements of [section 170](#)?
- Has the county adopted an ordinance allowing the assessor to grant disaster relief without a claim form being filed in accordance with [section 170\(l\)](#)?

Disaster Relief Claim Form

- Does the assessor's disaster relief claim form have the following elements:
 - Applies to any taxable property, real and/or personal?
 - Specify that the owner was not at fault?
 - Correctly inform the property owner of the time allowed to file the claim for disaster relief? (Either the time specified in the county's ordinance or within 12 months of the misfortune or calamity, whichever is later.)
 - Specify that the damage or destruction must equal \$10,000 or more to be eligible for relief?
 - Include an area for the property owner to specify the condition and value of the property immediately after the misfortune or calamity?
 - Include an area for the property owner to specify the dollar amount of the damage?
 - Executed under penalty of perjury, or if executed outside of California, verified by affidavit?

Discovery

- Does the assessor have procedures in place for discovering properties having experienced a misfortune or calamity?
- What methods does the assessor use to discover qualifying disasters?
 - Newspaper articles or other form of news media?
 - Building permits issued for repairs?
 - Field canvassing?
 - Taxpayer notification?
 - Other method?
- Does the assessor regularly receive fire reports from all fire protection agencies located within the county?

Procedures

- Does the assessor document the date the claim was received? If so, how?
- Has the assessor ever granted disaster relief when a claim was not filed or was not timely filed?
- How many disaster relief claims does the assessor process in a year?
- Who processes the disaster relief claims in the assessor's office? A special unit, a specified appraiser and/or auditor-appraiser, or is each appraiser responsible for all disaster relief claims in their areas?
- Does the assessor grant relief for real and/or personal property?
- How does the assessor document whether the damage was \$10,000 or more?
 - Taxpayer's statement on the claim form?

- Contractor's repair bid?
 - Insurance company statement?
 - Field inspection by assessor's staff?
 - Other documentation?
- Does the assessor determine separately the full cash value of the land, improvements, and personal property immediately before and after the damage or destruction occurred?
- If the sum of the full cash values of the land, improvements, and personal property before the damage or destruction exceeds the sum of the values after the damage by \$10,000 or more, does the assessor also separately determine the percentage reductions in value of the land, improvements, and personal property due to the damage or destruction and reduce the values on the assessment roll by these percentages?
- When making annual lien date reviews of damaged property, how does the assessor revalue the property to account for the restored portions?
- If no repair work has been done to the damaged property as of the lien date, do you apply the [article XIII A](#) inflation factor to the undamaged value remaining on the roll?
- Has the assessor ever valued reconstruction of the damaged property as new construction due to a substantial change in use or quality, or additional square footage being added to the original structure?
- When calculating a proration of the taxes due on damaged or destroyed property, does the assessor include the month in which the damage occurred?
- Does the assessor use supplemental assessment procedures to grant disaster relief?
- Does the assessor use supplemental assessment procedures to restore the value to the roll when the reconstruction is completed?
- If the county does not have a disaster relief ordinance in place, does the assessor calculate separately the current market values and factored base year values of land and improvements as damaged, and enroll the lower of each in accordance with [section 51\(b\)\(1\)](#) and [\(2\)](#)?

Notification

- Does the assessor send written notice to the applicant of the proposed reassessment?
- Does the assessor's notice state that the applicant may appeal the proposed reassessment within 6 months of the date of mailing the notice?
- Has the assessor ever had an applicant appeal the proposed reassessment? If so, how was the appeal resolved?

Disaster Relief for Manufactured Homes

- Has the assessor ever granted disaster relief to owners of manufactured homes destroyed in a Governor-declared disaster? If so,
 - Was relief granted only to totally destroyed manufactured homes? or
 - Was relief also granted to partially damaged manufactured homes?

- Does the assessor enroll a new taxable replacement manufactured home at the same value as the destroyed taxable manufactured home at the time of its destruction?
- Does the assessor enroll a new taxable replacement manufactured home at a value that would generate taxes equal to the license fee paid for the destroyed licensed manufactured home?
- Does the assessor apply the [article XIII A](#) inflation factor to the taxable value of the new replacement manufactured home?

Transfer of a Base Year Value of Property Damaged in a Governor-Declared Disaster

- What are the assessor's procedures for processing disaster relief claims for transferring a base year value in accordance with [section 69](#)?
 - Governor-declared disaster?
 - Replacement property acquired or built within 5 years after disaster?
 - Replacement property is within the same county (unless [section 69.3](#) applies and the county has an ordinance allowing intercounty base year value transfers)?
 - Land or the improvements sustaining physical damage exceeding 50 percent of full cash value prior to the disaster?
 - Full cash value is within 120 percent of damaged or destroyed property?
- If the county has an ordinance allowing transfers of base year values of damaged or destroyed property located in another county, how does the assessor process these transfers of base year values?
- Does the assessor apply the provisions of [section 69](#) only to Governor-declared disasters?
- How does the assessor apply the "equal or lesser value" test to replacement properties?
 - 105 percent of the full cash value of the original property if the replacement property is purchased or newly constructed within the first year following the date of the damage or destruction of the original property?
 - 110 percent of the full cash value of the original property if the replacement property is purchased or newly constructed within the second year following the date of the damage or destruction of the original property?
 - 115 percent of the full cash value of the original property if the replacement property is purchased or newly constructed within the third year following the date of the damage or destruction of the original property?

Disaster Relief Involving Exemptions

- Does the assessor grant the homeowners' exemption for homes not lived in by the owner on the lien date due to a qualifying disaster?
- Under what conditions does the assessor grant the disabled veterans' exemption for homes not lived in by the owner on the lien date due to damage in a disaster or destroyed in a Governor-declared disaster?
- Does the assessor re-start the exemption period for orchards or vineyards damaged or destroyed in certain disasters?